



Comhairle Contae
Ros Comáin
Roscommon
County Council



ROSCOMMON COUNTY COUNCIL

CEMETERY BYE-LAWS 2020

Adopted at a Plenary Meeting of Roscommon County Council on 22nd March 2021

Effective from 1st May 2021

ROSCOMMON COUNTY COUNCIL CEMETERY BYELAWS 2020

Made by the Council of the County of Roscommon under the Local Government Act 2001 for the Regulation of Cemeteries in the County of Roscommon.

1. INTERPRETATION OF TERMS

Throughout these byelaws the use of the following terms shall have the following meaning:

“The Council” shall mean the Council of the County of Roscommon.

“Cemetery” shall mean any cemetery or burial ground under the control or in the ownership of the Council.

“Coffin” shall include a casket.

“Gravespace” shall mean an area 2.75 m (9ft) long by 1.25m (4ft) (including beam dimensions) designated for the burial of persons.

“Lawn Cemetery” shall mean a cemetery or part of a cemetery wherein kerbs or other such items shall not be permitted to be placed and where all parts of the cemetery comprising burial plots shall be maintained as grassed areas.

“Plot” shall mean an area of a cemetery consisting of one, two or three gravespaces otherwise described as a single plot, double plot or a family plot.

“Registrar” or “Caretaker” shall mean the Registrar or Caretaker at the time being of any cemetery under the control or in the ownership of the Council.

“Register” shall mean a written record of all interments in a cemetery and shall include a map or drawing showing each grave space numbered separately.

“Member of the same Family” shall mean the Father, Mother, Husband, Wife, Son, Daughter, Sister or Brother of the person last interred in a specific grave, or some person who was permanently residing with the person last interred therein, at the time of that person’s death.

“Beam/foundation” shall mean support for headstone/monument where already provided in the cemetery.

“Recorded Monument” shall mean a site or monument on the Record of Monuments and Places (RMP). The RMP is the most widely applying provision of the National Monuments Acts. It comprises a list of recorded monuments and places and accompanying maps on which such monuments and places are shown for each county. It can be consulted in county libraries and main local authority offices and an electronic copy may be accessed on <https://www.archaeology.ie/publications-forms-legislation/record-of-monuments-and-places>

“Historic Graveyard” shall mean any cemetery which was established prior to the 20th century.

“New Cemetery” shall mean any cemetery which was established in the 20th century onwards.

2. APPLICATION OF BYELAWS

These byelaws shall apply to all cemeteries under the control of or in the ownership of the Council.

3. CESSER OF EXISTING BYELAWS

On the coming into operation of these byelaws, all existing byelaws, rules and regulations relating to cemeteries under the control or in the ownership of the Council shall cease to have effect.

4. FENCING & DRAINAGE

Every cemetery shall be kept sufficiently secured; and, if necessary, shall be under drained to such a depth as will prevent water remaining in any grave or vault.

5. GRAVE SPACES

- i. The area to be used for graves shall be divided into grave spaces, designated by convenient marks, so that the position of each grave space may be readily ascertained.
- ii. Grave Spaces shall be laid out in double rows. A re-inforced concrete strip foundation 500mm X 250mm (beam) shall be provided centrally in the double row for the erection of headstones back to back.

6. SIZE OF GRAVE SPACES

The grave spaces for the burial of persons shall be 2.75m (9ft) long by 1.25m (4ft) wide.

7. PURCHASE OF BURIAL PLOT

- i. Application to acquire a burial plot in any cemetery shall be made to the Registrar of the Cemetery. On the making of an application sufficient detail should be provided so as to ensure future identification against the Register. The specified fee should accompany the application.
 - ii. Plots are to be sold in lots of one or two grave spaces or such other number of spaces as exceptional family circumstances may immediately warrant.
 - iii. Burial Plots shall not be purchased in advance of a bereavement.
 - iv. All burials shall be sold in rotation.
 - v. The Receipt issued in response to the application constitutes the owner's right of burial.
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- vi. Ownership of a burial plot does not allow for the erection of a headstone without a separate application being made to the Council (see Byelaw 21).
- vii. The selling of a burial plot to a third party is not permitted. However, the Council will facilitate those wishing to return ownership of an unused burial plot to the Council. The refund payable in respect of unused burial plots will be the original purchase price.

8. LAWN CEMETERIES

The Byelaws as is apply to all cemeteries and the following apply to lawn cemeteries in particular:

- i. The Council may designate any Cemetery or part of a Cemetery to be a Lawn Cemetery. This will be a minimum of one full row and extended to further rows or designated areas as the Council may deem appropriate.
- ii. As soon as appropriate after a burial in a Lawn Cemetery, the plot shall be levelled, seeded with lawn grass seed and any surplus spoil removed by the lessee/deed owner of the plot.
- iii. Flowers and ornaments must only be placed on the monument plinth/headstone beam.
- iv. No grave surrounds or other fixtures can be erected in, on or around grave plots in a Lawn Cemetery, including kerbs, coping, trellises and hedges. No outer perimeter of any kind is to be placed around the plot or plots, nor are stones, pebbles or any other materials to be used to in-fill the surface of burial plots.
- v. Monuments that are erected must be mounted on a plinth that measures no more than 1-metre-long by 0.3 metres wide.
- vi. No person may plant any trees, shrubs, flowers or any living plant in a grass plot in a Lawn Cemetery. The green areas of the Lawn Cemetery will be regularly mowed. For this reason, shrubs must not be planted on plots. If flowers are sown it must be understood that these will be mowed.
- vii. Funeral flowers are permitted to be placed on a plot in a Lawn Cemetery for a period of 10 days following interment. Once a headstone or memorial is erected, flower vases may be placed on a headstone beam.
- viii. Monuments must be in keeping with paragraph 19. Of the Byelaws. Celtic crosses and structures over 1.2m (5 ft.) are prohibited in lawn designated areas.
- ix. Where in contravention of these Byelaws a structure is erected in a Lawn Cemetery, the Deed Owner of the plot and the Monumental Contractor will be advised of the breach of these Byelaws and instructed in writing to remove the structure within a specified period, not being less than 21 days from the date of instruction. Where the Deed Owner/Monumental Contractor has not complied with a notification the Council may, without any further notice, remove it and may recover the cost of any removal from the Deed Owner or owners/Monumental Contractors as a simple contract debt in a court of competent jurisdiction.

9. OPENING OF GRAVE SPACES FOR FIRST INTERMENT

Each grave, when opened for the first interment therein, shall be sunk to a perpendicular depth as the nature of the sub-soil will allow but subject to such minimum depth that the lid or upper surface of the coffin shall be at least 1.22m (4ft) below the ordinary level of the ground.

10. OPENING OF GRAVES FOR SUBSEQUENT INTERMENTS

- i. No unwallied grave shall be re-opened unless to bury another member of the same family, in which case a layer of earth not less than 300mm (1ft) in depth shall be left undisturbed above the previously buried coffin; but if on re-opening any grave the soil be found to be offensive, such soil shall not be disturbed. In no case shall human remains be removed from the grave.
- ii. No coffin shall be buried in any unwallied grave unless the lid or upper surface thereof shall be to a depth of at least 1.22m (4ft) below the ordinary level of the ground.
- iii. The Registrar must always be notified prior to the opening of the grave
- iv. No grave, in which any body has been interred, shall be opened, save for the purpose of internment or exhumation, without the written permission of the Council to be previously produced to the Registrar.

11. MODE OF BURIAL

No internment shall be permitted in any cemetery, unless the body is enclosed in a coffin of wood or other sufficiently strong material.

A. Un-coffined Burials:

- i. Subject to (ii), no interment shall be permitted in any cemetery, nor shall any dead body be admitted into any place of reception of bodies previous to interment, unless the body is enclosed in a coffin of wood or some other sufficiently strong material.
- ii. Un-coffined burials may only be permitted in an area of a cemetery designated exclusively for that purpose, unless a direction has been issued not to do so by the relevant Sanitary Authority or the Health Service Executive. Where an un-coffined burial is permitted, any reference in these provisions to a coffin includes a reference to the wrappings of the un-coffined body.
- iii. The Council must be notified in advance of any proposed un-coffined burials.

B. Cremated Remains:

- i. Cremated remains may be interred in coffins, caskets or biodegradable containers or other approved containers in conventional plot or plots designated for cremated remains by the Council.
- ii. Where a conventional plot is being used for conventional and cremated remains interments a layer of earth not less than 300mm in depth shall be left undisturbed above the previously buried coffin and the base of an urn or casket.
- iii. Interments must be to a depth to allow for a minimum of 300mm between the top of the urn or casket and the top of the beam or foundation.
- iv. A space of 300mm must be maintained between urns or caskets.
- v. All interments of cremated remains must be at a single depth.
- vi. Where cremated remains have already been interred any subsequent interments shall be treated as if it was a burial of remains.
- vii. Where no interment has taken place the first cremated remains interred in a conventional plot must be interred immediately adjacent to the headstone.
- viii. The maximum number of interments of cremated remains that will be allowed in a conventional plot is six.
- ix. Cremated remains interred in a plot specifically for cremated remains only must be buried to a depth that allows for 300 mm between the top of the urn and the level of the beam or foundation. A clear space of a minimum of 300 mm on all sides must be maintained between urns.
- x. The Registrar or Council must be informed of the precise location of the urn within the burial plot.

C. Spreading of Ashes

Once a body has been cremated it no longer poses a health risk or risk to the environment under the Waste Management Act or Litter Act and this allows for the spreading of ashes which should be carried out in a dignified manner. People should refrain from scattering ashes:

- in areas where there are a lot of people such as a crowded beach or park,
- along trails where people would be walking
- near drinking water intake points if discharging to a waterway.

The Environment Department of Roscommon County Council should be contacted if there is uncertainty about a particular area on a waterway.

12. INTERRUPTION OF INTERMENT

Any person unlawfully preventing or attempting to prevent the interment of any person, or unlawfully preventing or disturbing the celebration of funeral rites over any person in a cemetery, shall be in breach of these byelaws.

13. EXHUMATION

- i. No body, nor the remains of any body, shall be removed or exhumed from one place of burial to another without the prior written consent of the Council, and with such precautions as the Health Service Executive/Environmental Health Officer may prescribe as the conditions of such a Licence granted for the exhumation. Any licence granted by the Council in this regard will be granted in accordance with section 46 of the Local Government (Sanitary Services) Act, 1948 and Local Government Act, 1994. Any person who shall remove or assist in removing any such body or remains, contrary to this byelaw, or who shall neglect to observe the precautions prescribed as the condition of the Licence for removal, shall be in breach of these byelaws. A person who contravenes subsection (4) of this section or who, on or after the exhumation of a body under the authority of a licence under this section, does not comply with a condition attached to the licence, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- ii. No exhumation shall take place prior to a formal Exhumation Licence being granted by the Council. A copy of this Licence shall be given to the Registrar prior to the exhumation.

14. REGISTER OF BURIALS

A Register shall be constantly kept in some convenient place at or near the cemetery, or at the place of residence of the Registrar and shall be open for inspection at all reasonable times; but no person, except the person having the care and management of the cemetery, and in these bye-laws rules called the Registrar, shall be permitted to write in the Register save as hereinafter mentioned.

A printed copy of these bye-laws shall be kept constantly affixed to the Register.

15. ENTRIES IN THE REGISTER

Before the interment of any person in a cemetery, the Registrar shall, after due enquiry from some relative of the deceased, or from the person having the direction and management of the interment, cause an entry to be made in the Register, of the First Name and Surname, date of death, date of interment, age of the deceased,

together with his or her last place of residence and such other information as may be provided for in the Register.

16. KERBS/FOOTSTONES ETC.

- i. Where any cemetery or part of a cemetery has been provided and developed as a "lawn" type cemetery, no kerbstones/footstones of any description will be permitted under any circumstances.
- ii. In any cemetery, other than a lawn type cemetery, where the layout is such that the Council may grant permission for kerbs to be erected, the Council may specify that the top of the kerb shall be kept flush with the adjoining ground level.

17. FOUNDATIONS USING BEAMS

- i. In any cemetery where Beams have been or will be provided, the Headstone or any other type of monument being proposed shall be erected using the appropriate Headstone Beam as the foundation.
- ii. Any material such as concrete, mortar or the like used in the erection of the monument shall not be allowed to extend outside the top of the Beam, and all surplus material shall be removed from the cemetery by the person in charge of the erection of the monument.
- iii. No kerbs or footstones will be permitted in this case.

18. FOUNDATIONS WHERE BEAMS WILL NOT BE AVAILABLE

(This relates to older type cemeteries)

Where the beam is not provided the foundation for the headstone shall be cast as a single unit. The foundation shall be constructed of good quality concrete with an 8-day crushing strength of not less than 30N/mm². The minimum dimensions shall be 300mm (1ft) deep by 225mm (9ins) wide. It shall contain minimum reinforcement of 4 No. 12mm (0.5ins) mild steel bars, 2 of which shall be located near the lower face of the foundation and 2 of which shall be located near the upper face of the foundation. The steel will have minimum cover on all sides of 50mm (2ins). The foundation shall be entirely within the boundaries of the burial plot, which it is enclosing. Full details of construction of the foundation should be agreed with the Council before commencement of work.

19. ERECTION OF MONUMENTS

Monuments must be in keeping with the general tone of the Cemetery.

- i. No Tomb, Monument, Vault, Headstone, Tablet or permanent structure of any description or material shall be erected or constructed on any place of burial in the cemetery, unless and until the structure has been approved of, in writing, in the form of a Certificate of Permission by the Council's Engineer, or such other Officer as the Council shall appoint for this purpose.

- ii. A descriptive statement of what is proposed, together with a dimensioned drawing to a scale of not less than 1:20 shall accompany all such requests for approval.
- iii. The heights of any structure proposed shall not exceed 1.2m (5ft) above beam level, except in the case of a Celtic Cross where the height should not exceed 2.13m (7ft). Note: Celtic crosses not permitted in designated lawn cemetery areas.
- iv. All structures shall have reinforced concrete bases with dowels.
- v. Base of plinth for flowers or headstones shall measure 1.2m (4ft) long x 450mm (1.5ft) wide x 100mm (4ins) high. The base may have two flower holders affixed to it.
- vi. Certificate of Permission must be available on demand by the Registrar or any Council Official.
- vii. The placing of any decorative item upon a Plot in a Cemetery is inconsistent with the proper keeping of the grounds of the Cemetery and is prohibited. Any such items will be removed. No tablets, vases, statues, toys, crosses, artificial wreaths, artificial flowers, flags, wind chimes, seats, string lighting or any decorative item of any kind is permitted.
- viii. The Council may at its discretion remove any item referred to in sub paragraph (i) above erected or placed in the cemetery without permission.

20. HISTORIC GRAVEYARDS, RECORDED MONUMENTS, NATIONAL MONUMENTS AND PROTECTED STRUCTURES

- i. Where a burial ground is located within, beside or adjacent to:
 - a. a national monument within the meaning of the National Monuments Acts 1930 to 2004 of which the Minister for Arts, Heritage and the Gaeltacht (or any Minister succeeding the said Minister in regard to responsibility for functions under the National Monuments Acts 1930 to 2004) or a local authority is owner or guardian, or
 - b. a national monument subject to a preservation order or temporary preservation order under the National Monuments Acts 1930 to 2004, or
 - c. a historic monument or archaeological area which stands registered in the Register of Historic Monuments under section 5 of the National Monuments (Amendment) Act 1987, or
 - d. a monument or place recorded under section 12 (1) of the National Monuments (Amendment) Act 1994, or

- e. a protected structure within the meaning of the Planning and Development Act, 2000 as amended

ii. the following shall apply:

- a. Any monument erected in such a burial ground shall be in-keeping with the character of the relevant national monument, historic monument, area, monument, place or structure.
- b. No work shall be carried out to any upstanding masonry ruins or masonry walls of the burial ground or other structures other than with the prior authorisation of the Council and in compliance with all applicable statutory procedures and requirements. The Council may provide guidance on appropriate materials and appropriate styles of construction and may prohibit other materials or forms of styles of construction.
- c. No new burials shall take place in burial grounds deemed "full" by the Council. Persons with existing burial rights may continue to exercise those rights providing there is sufficient space within an existing burial plot and providing the burial will not adversely impact on any adjoining structures.
- d. Use of kerbs, astro-turf and modern grave treatments do not suit the character of a historic graveyard. Care and conservation of historic graveyards should be in accordance with 'The Care and Conservation of Graveyards' booklet and any updated guidance which may issue during the lifetime of these byelaws.

21. SUPERVISION OF WORKS

- i. All works in erecting monuments or the like carried out in the cemetery either by the owners of the burial plots, their agents or representative, including monumental contractors, is subject to supervision and control of the Council's Engineer or his representative.
- ii. The dumping and mixing of sand, gravel and cement for making concrete will not be permitted on paths or unprotected ground, this work must be carried out on portable platforms.
- iii. All surplus materials left over when the work has been completed must be removed from within the confines of the cemetery by the contractor the owner of the burial plot at the time of the completion of the works.

22. PERISHABLE AND UNSUITABLE MATERIALS

The use of materials of a perishable nature such as timber, ironwork or the like as part of any monument or structure in any cemetery will not be permitted, except in the case of the erection of a temporary monument.

23. REMOVAL OR REPAIR OF BROKEN HEADSTONES

The removal or repair of broken headstones is the responsibility of the burial plot owner. The Council may take down and remove any headstone, kerb, tablet or any other object which may have been placed at any time within the cemetery, either with or without authority, which may have fallen into disrepair, or which in the opinion of the Council is not being maintained or has become a nuisance or a danger to ordinary users of the cemetery.

Headstones or memorials in historic graveyards may not be removed without prior recording and addition to the Roscommon Cemeteries Mapviewer www.roscommoncoco.ie/cemeteries"

In such cases, the Council may recover the cost of any such removal from the burial plot owner or their representatives, by a simple contract debt.

24. VISITORS

- i. Visitors to the cemetery and users of vehicles including the drivers of vehicles referred to hereunder shall enter or leave the cemetery only by means of the entrance and shall close the gate after entering and leaving to prevent trespass
- ii. They shall not walk on any of the shrubberies, graves or enclosures, but shall confine themselves to the paths or avenues therein.
- iii. They shall not interfere with any of the tombs or monuments or headstones or with any flowers, shrubs or wreaths within the cemetery.
- iv. No animals other than guide dogs shall be allowed into the cemetery.
- v. No vehicles shall be allowed enter the cemetery with the exception of the funeral car, vehicles carrying disabled persons and vehicles used for the erection of headstones.
- vi. Only rubber tracked or rubber tyred mini-machinery shall be allowed in burial grounds for the purpose of opening and closing graves.
- vii. Where machines are employed in cemeteries all necessary insurances are to be provided to the Council by the owner of the plant.

25. PARKING

Parking outside a cemetery shall be limited to the vehicles used by persons attending burials and visiting graves. No overnight or long term parking shall be permitted. Commercial or agricultural vehicles are not permitted to park in cemetery carparks unless with the permission of the Council, and where required for works in the cemetery.

26. DAMAGE TO OR DISTURBANCES IN A CEMETERY

- i. No person shall wilfully deface, destroy or damage any building, wall, fence, monument, headstone, tablet, kerb, notice board, sign or any other article, whether belonging to the Council or owners of burial plots, or pull up any tree, shrub or flower therein, or put up any notice on any wall, or play any game or sport therein or unlawfully disturb any persons assembled in the cemetery for a

burial or for the purpose of visiting or maintaining graves or erected or maintaining headstones nor shall commit any nuisance within the cemetery.

- ii. The Registrar or any agent of the Council shall at all times be entitled and at liberty to remove from the cemetery any person who may be guilty of misconduct therein and to prevent any person from entering the cemetery at prohibited times, where such times apply.

27. TREES

No trees shall be planted on any grave space in the cemetery.

28. SHRUBS AND FLOWERS

- i. The planting of shrubs and flowers in lawn cemeteries is not permitted. However memorial flowers will be permitted on the headstone beam or plinth.
- ii. The planting of shrubs and flowers on burial plots in other cemeteries shall only take place within the boundary of the plot.
- iii. Flowers or wreaths, natural or artificial, placed on graves after burials have taken place shall be removed by the owners of plots or their representatives no later than 60 days after the burial.
- iv. Flowers or wreaths removed from graves, shall not be disposed of within the cemetery.
- v. Historic graveyards are havens for nature and wildlife and should be managed for biodiversity and pollinators. Best practice on this can be obtained from the Heritage Office of Roscommon County Council.

29. SEATS

No furniture, such as seats or benches, whether of a permanent or a moveable nature shall be allowed to be placed on paths and avenues near or at a burial plot.

30. CONTRAVENTION OF BYELAWS

- i. A person who contravenes a provision of these byelaws shall be guilty of an offence and shall be liable, on summary conviction in the District Court, to a fine not exceeding €1,200.
- ii. Where in contravention of these Bye-Laws a structure is erected in a Cemetery, the Deed Owner of the plot and Monumental Contractor to whom the Headstone Permit was supplied will be advised of the breach of these Bye-Laws and instructed in writing to remove the kerbstone/footstone within a specified period, not being less than 21 days from the date of instruction. Where the Deed Owner/Monumental Contractor has not complied with a notification the Council may, without any further notice, remove it and may recover the cost of any removal from the grave Deed Owner(s)/Monumental Contractors as a simple contract debt in a court of competent jurisdiction.
- iii. Any Monumental Contractor not in compliance with the Byelaws may be refused future applications for Headstone Permits.

COMMENCEMENT DATE

These Bye-Laws shall come into operation on

1st May 2021.

MADE pursuant to Part 19 of the Local Government Act 2001 by the Council on *22nd March*
2021

PRESENT when the Seal of the Council was affixed hereto:


Director of Services


Nominated Employee



